

Message Text

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ACTION L-03

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R 251410Z FEB 77
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC 5759
INFO AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY PRETORIA
AMEMBASSY ROME
USMISSION USUN NEW YORK

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C O R R E C T E D C O P Y (TEXT - PARA 5)

E.O. 11652: N/A
TAGS: PINS, PINT,. 3\$7, SF, SHUM
SUBJ: DEVELOPMENTS IN CHURCH SCHOOLS DISPUTE

REF: (A) CAPE TOWN 242, (B) CAPE TOWN 222, (C) STATE 35096

SUMMARY: IN SEPARATE ANNOUNCEMENTS ADMINISTRATORS
FOR TRANSVAAL (VAN NIEKERK) AND CAPE PROVINCE (MUNNIK) CON-
FIRMED THEY HAD MET WITH ROMAN CATHOLIC LEADERS AND THAT NO
ACTION WOULD BE TAKEN REGARDING ENROLLMENT OF NON-WHITE
PUPILS IN SOME CATHOLIC SCHOOLS PENDING FURTHER DISCUSSIONS.
CAPE EDUCATION DIRECTOR TOLD AMBASSADOR FEB. "23 HE BELIEVES
EFFORTS WILL BE MADE TO RESOLG QUESTION WITHOUT RESORTING
TO NEW OR AMENDED LEGISLATION. END SUMMARY.

1. ARCHBISHOP DANIEL OF PRETORIA LED DELEGATION THAT MET
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VAN NIEKERK FEB. 21. IN SHORT ATATEMENT AFTERWARD, VAN
NIEKERK SAID "IN VIEW OF STATED INTENTION OF
CATHOLIC CHURCH TO APPROACH GOVERNMENT TOAMEND THE CON-
STITUTION TO ENABLE ADMISSION OF NON-WHITE PUPILS IN
PRIVATE SCHOOLS, IT WAS AGREED NOT TO ISSUE A FURTHER
STATEMENT". ADMINISTRATOR SAID TALKS WERE "CONDUCTED IN A
VERY CORDIAL WAY".

2. A FEB. 22 JOINT STATEMENT ISSUED AFTER MEETING BETWEEN MUNNIK AND CARDINAL MCCANN AND THEIR ADVISORS SAID THAT THE CHURCH "HAS AGREED THAT THE PRESENT SITUATION REGARDING ADMISSION OF PUPILS OTHER THAN WHITES TO CATHOLIC PRIVATE SCHOOLS BE FROZEN PENDING THE OUTCOME OF FURTHER DISCUSSIONS AT GOVERNMENT LEVEL." THE DISCUSSION WAS DESCRIBED AS "FRANK, BUT VERY CORDIAL."

3. CAPE DIRECTOR OF EDUCATION P.S. MEYER TOLD AMBASSADOR AND CONGEN OFF FEB. 23 THAT, FAR FROM CONTEMPLATING CONSTITUTIONAL AMENDMENT, HE BELIEVE EFFORT WOULD BE MADE TO FIND SOLUTION WITHOUT RESORTING TO NEW OR AMENDED LEGISLATION. HE CONFIRMED THAT CATHOLIC DELEGATION WHICH MET WITH MUNNIK AGREED TO "FREEZE" PRESENT SITUATION, I.E., NOT ENROLL ANYMORE NON-WHITES FOR NOW. MEYER SAID NEXT STEP WAS FOR ADMINISTRATORS TO DISCUSS MATTER WITH EDUCATION MINISTER KOORNHOF WHO WOULD THEN TAKE MATTER UP WITH CABINET. MEYER REFERRED TO DIFFICULTY POSED BY FACT THAT THERE ARE SEPARATE LAWS DEALING WITH INDIAN, COLORED AND "BANTU" EDUCATION AND ACKNOWLEDGED THAT NATIONAL EDUCATION POLICY ACT OF 1967 ESTABLISHES, AT LEAST BY INFERENCE, THE PRINCIPLE, WHICH IS SPELLED OUT EXPLICITLY IN PROVINCIAL ORDINANCES (CAPE TOWN 242), PROHIBITING ENROLLMENT OF NON-WHITES AT WHITE SCHOOLS. THE NATIONAL EDUCATION POLICY ACT CONFERS UPON EDUCATION MINISTER AUTHORITY TO DETERMINE "GENERAL POLICY IN RESPECT TO LIMITED OFFICIAL USE

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EDUCATION IN SCHOOLS." THE ACT DEFINES EDUCATION TO MEAN "INSTRUCTION AND TRAINING PROVIDED TO WHITE PERSONS." (COPY BEING POUCHED TO DEPT.) HE SAID THAT, NONETHELESS, "OUR LEGAL EXPERTS" BELIEVE IT CAN BE DONE WITHOUT NEW OR AMENDED LEGISLATION ON BASIS OF AN INSTRUCTION FROM THE MINISTER, WITH CABINET APPROVAL, TO THE PROVINCIAL ADMINISTRATORS. HE IMPLIED THIS WAS THE PROCEDURE USED PREVIOUSLY TO AUTHORIZE ADMISSION OF CHILDREN OF (BLACK) DIPLOMATS TO WHITE SCHOOLS.

4. IN CONVERSATION WITH CONGEN OFF FEB. 24, FATHER DE BEER, EDITOR OF CATHOLIC NEWLETTER "SOUTHERN CROSS, SAID HE THOUGHT REFERENCE TO CHURCH'S INTENTION TO SEEK CONSTITUTIONAL CHANGE IN STATEMENT ISSUED IN PRETORIA WAS IN ERROR SINCE, TO HIS KNOWLEDGE, THERE IS NO CLAUSE IN SOUTH AFRICAN CONSTITUTION SPECIFICALLY PROHIBITING NON-WHITE ATTENDANCE AT WHITE PRIVATE SCHOOLS. NOTE: ONLY REFERENCE TO EDUCATION IN CONSTITUTION IS SECTION 84 OF REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT NO. 32

OF 1961 (COPY BEING POUCHED) WHICH ENUMERATES POWERS OF PROVINCIAL COUNCILS. IT INCLUDES "EDUCATION, OTHER THAN HIGHER EDUCATION, EDUCATION FOR COLORED PERSONS... FOR INDIANS...AND BANTU ADUCATION, UNTIL PARLIAMENT OTHERWISE PROVIDES.") FATHER DE BEER SAID CATHOLIC SCHOOLS HAD "TRIED A BIT OF QUIET CIVIL DISOBEDIANCE AND GOT AWAY WITH IT." HE WAS CONVINCED THAT SAG WOULD FIND "FACE-SAVING COMPROMISE" WHICH WOULD OBVIATE NEED TO CLOSE THE SCHOOLS AND WAS CONVINCED THAT HAD THE CHURCH ASKED FOR GOVERNMENT PERMISSION PRIOR TO ENROLLING STUDENTS IT WOULD HAVE GOTTEN "HOPELESSLY BOGGED DOWN" IN POLITICAL DISPUTES AND WOULD HAVE BEEN INDEFINITELY DELAYED.

5. E.L. KING, ATTORNEY AND ADVISOR TO ANGLICAN ARCH-BISHOP BURNETT TOLD CONGEN OFF FEB. 25 THAT NO FIRM DATE HAS BEEN SET FOR PROPOSED MEETING BETWEEN ANGLICAN REPRESENTATIVE AND GOVERNMENT. THE MEETING WOULD BE LIMITED OFFICIAL USE

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SENTATIVES AND PROVINCIAL EDUCATION OFFICIALS. HE "SUPPOSED" IT WOULD TAKE PLACE IN "FORESEEABLE FUTURE." THE PRESIDENT OF THE METHODIST CONFERENCE, REV. CHARLES STEPHENSON, ISSUED STATEMENT FEB. 20 SAYING HE WOULD SEEK AN INTERVIEW WITH EDUCATION MINISTER KOORNHOF TO DISCUSS DESIRE OF METHODIST SCHOOLS TO ADMIT NON-WHITE PUPILS. STEPHENSON WAS QUOTED AS SAYING CHURCH WOULD CONSULT GOVERNMENT AND GET ALL THE FACTS BEFORE TAKING ANY ACTION. ASKED ABOUT PROSPECT OF TAKING UNILATERAL ACTION HE REPORTEDLY SAID "THERE MUST FIRST BE CONSULTATION" BUT THAT "IF PEOPLE ARE NOT REASONABLE...THERE MAY BE NO ALTERNATIVE TO UNILTERAL ACTION."

6. WE BELIVE OUR EARLIER JUDGMENT (CAPE TOWN 222) THAT SAG SEEKING TO AVOID SHOWDOWN WITH CATHOLIC CHURCH REMAINS CORRECT AND THAT EMPHASIS WILL NOW BE ON FINDING A BEHIND-THE-SCENES SOLUTION (ALONG LINES OUTLINED BY MEYER) THAT WILL ATTRACT AS LITTLE ATTENTION AS POSSIBLE.
BOWDLER

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